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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,833	04/04/2001	Atsushi Tomita	032360-012	1181
7590	08/26/2004		EXAMINER	
Platon N. Mandros BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404				BHATIA, AJAY M
		ART UNIT		PAPER NUMBER
		2143		

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/824,833	TOMITA, ATSUSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ajay M Bhatia	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 23 January 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04/04/2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

1. Claims 1-23 are rejected.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/824833, filed on April 4, 2001.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: S700. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not

clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: When a current command data is received, comparing the first information about transmission order assigned to the current command data with the second information which is the latest command data when the first information about transmission order is later than the second information. It is not clear if latest refers to command data or transmission data (page 3-4 lines 24-2). These errors occur multiple times through out the application all of which should be correct. For the purpose of this office action latest is being treated to as the order of the transmission data received. Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 8, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's use of "later" and "latest" in order to refer to current command data and transmission order cause confusion.

Discarding the current command data when the first information about the transmission order is not later than the second information.

It is not clear if "latest" refers to command data or transmission data. For the purpose of this office action "latest" is being treated as the order of the transmission data received. An appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-13 15-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Motoyama et al. (U.S. Patent 6,631,247) (hence forth referred to as Motoyama) and Dillon (U.S. Patent 6,067,561).

7. For claims 1, 8, and 15, Motoyama discloses a method, system and program code (here after referred to as a system) for, an equipment management system having an equipment management apparatus for monitoring equipment and a management center for exchanging communications with the equipment management apparatus, wherein the conditions of the equipment are controlled by a combination of the equipment management apparatus and the management center (Motoyama Col. 2 lines 48-67).

Additionally Motoyama teaches, a transmitter for transmitting command data together with a piece of information about transmission order of the data from the

management center to the equipment management apparatus or vice versa (Motoyama Abstract and Col. 13 lines 5 –15 and Col. 15 lines 12-26).

Motoyama fails to teaches, a comparator for, when a current command data is received, comparing first information about transmission order assigned to the current command data with second information which is the latest information about transmission order assigned to one of previous command data; controller for performing an action of management according to the current command data when the first information about the transmission order is later than the second information; and discarding the current command data when the first information about the transmission order is not later than the second information.

Dillon teaches, a comparator for, when a current command data is received, comparing first information about transmission order assigned to the current command data with second information which is the latest information about transmission order assigned to one of previous command data; controller for performing an action of management according to the current command data when the first information about the transmission order is later than the second information; and discarding the current command data when the first information about the transmission order is not later than the second information. As described in the applicants specification, (The sub routine at S800 for executing the remote command It is assumed control will now be explained referring to Fig . 6 . that the command transmission sequence data is the date saved in the date field of a mail. The sub routine starts with S8O1 for reading out the date of transmission from the current mail received from the center. The date (referred to as the

date 1 hereinafter) indicates the day and the time when the current mail is transmitted from the center.)[Applicants specification Page 13 lines 20-27] (Dillon Col. 9 lines 5-17 Col. 4 lines 55-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use Dillon's updating of message and Motoyama's control of machines with command data in message, since it provides when the received time-stamp differs from the latest time-stamp stored in the time-stamp memory, then the alert provides the e-mail alert service subscriber with an audible and/or visual indication that e-mail for the e-mail alert service subscriber has been received by the e-mail server 12 (Dillon Col. 9 lines 5-17).

8. For claims 2, 9, and 16, Motoyama-Dillon teaches, wherein the command data are classified into plural types, and the second information is the latest information about the transmission order assigned to one of the previous command data of the same type as of the current command data (Motoyama Col. 3 lines 18-29).

9. For claims 3, 10, and 17, Motoyama-Dillon teaches, wherein when the current command data is discarded, the discarding is informed from the equipment management apparatus to the management center or vice versa (Dillon Col. 9 lines 5-11).

10. For claims 4, 11, and 18, Motoyama-Dillon teaches, wherein the equipment to be monitored by the equipment management apparatus is an image generating apparatus, and the command data received from the management center includes at least one selected from a group of the date of the next routine transmission, the next closing date, and action commands (Motoyama Col. 3 lines 18-29).

11. For claims 5, 12, and 19, Motoyama-Dillon teaches, wherein the equipment management apparatus and the management center exchange communications with each other in a form of electronic mails (Motoyama Abstract and Col. 2 lines 48-52).

12. For claims 6, 13, and 20, Motoyama Dillon teaches, wherein the information about the transmission order assigned to the command data is the date and time of transmission (Dillon Col. 9 lines 5-10 and Col. 4 lines 55-65).

13. For claims 22 and 23 Motoyama discloses a method, system and program code (here after referred to as a system) for, An equipment management method for monitoring equipment and controlling the conditions of the equipment according to a command data received from a management center, comprising the steps of: (Col. 2 lines 48-67).

Additionally, Motoyama teaches, storing an information about transmission order assigned to a command data received (Abstract and Col. 13 lines 5 –15 and Col. 15 lines 12-26).

Motoyama fails to teach, order assigned when a current command data is received, comparing first information about order of transmission assigned to the current command data with second information which is the latest information about transmission order assigned to one previous command data

Performing an action of management according to the current command data when the first information about the transmission order is later than the second information;

and discarding the current command data when the first information about the transmission order is not later than the second information.

Dillon teaches, order assigned when a current command data is received, comparing first information about order of transmission assigned to the current command data with second information which is the latest information about transmission order assigned to one previous command data

Performing an action of management according to the current command data when the first information about the transmission order is later than the second information;

and discarding the current command data when the first information about the transmission order is not later than the second information (Dillon Col. 9 lines 5-17 and Col. 4 lines 55-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dillon's comparing of transmission order with Motoyama's sending of command data, since it provides for when the received time-stamp differs from the

latest time-stamp stored in the time-stamp memory, then the alert provides the e-mail alert service subscriber with an audible and/or visual indication that e-mail for the e-mail alert service subscriber has been received by the e-mail server 12 (Dillon Col. 9 lines 5-17).

14. Claims 7,14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Motoyama, (U.S. Patent 6,631,247) Dillon (U.S. Patent 6,067,561) and Nishmura (U.S. Patent 5,842,043).

15. For claims 7, 14, and 21, Motoyama-Dillon discloses a method, system and program code (here after referred to as a system) for, an equipment management system having an equipment management apparatus for monitoring equipment and a management center for exchanging communications with the equipment management apparatus, wherein the conditions of the equipment are controlled by a combination of the equipment management apparatus and the management center (Motoyama Col. 2 lines 48-67).

Additionally, Motoyama-Dillon teach, a transmitter for transmitting command data together with a piece of information about transmission order of the data from the management center to the equipment management apparatus or vice versa;

a comparator for, when a current command data is received, comparing first information about transmission order assigned to the current command data with second information which is the latest information about transmission order assigned to

one of previous command data; controller for performing an action of management according to the current command data when the first information about the transmission order is later than the second information;

and discarding the current command data when the first information about the transmission order is not later than the second information.

Motoyama-Dillon fails to teach, wherein the information about the transmission order assigned to the command data is the serial numbers determined by the transmission order.

Nishmura teaches, wherein the information about the transmission order assigned to the command data is the serial numbers determined by the transmission order (Nishmura See figure 6 and Col. 7 lines 64-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use, the Motoyama's command data and Dillon's comparing transmission order in conjunction with Nishmura's method of transmitting messages containing a serial number for the purpose of deciphering the transmission order and reducing the computation required to find current command data (Nishmura See figure 6 and Col. 7 lines 64-67).

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 5,328,278 Kokubo. A printing apparatus that checks command data, order and time stamp information for validity of the data.

U.S. Patent Number 6,023,585 Perlman et al. Automatically downloading of drivers, which contain command data that at include time stamp data and order and inter act with a server. Apparatus also connected to a printer.

U.S. Patent Number 6,499,068 Uchikawa. Is in reference to remote transmission to copying machine and other office equipment.

U.S. Patent Number 6,738,152 Roth et al. Is a method and apparatus implementing a technique for event based printing.

U.S. Patent Number 5,187,780 Clark et al. Is a computer interconnect system uses packet data transmissions with control and discarding.

U.S. Patent Number 6,772,223 Corl, Jr. et al. Is about action packet handling and determination if the packet was filtered.

U.S. Patent Number 6,662,212 Chandhook. Reference is made to a system to synchronizing of files using an e-mail system to keep files on multiples system synchronized.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M Bhatia whose telephone number is 703-605-4344. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER